

**SUPREME COURT MINUTES  
WEDNESDAY, OCTOBER 20, 2004  
SAN FRANCISCO, CALIFORNIA**

**S101836**

D036144 Fourth Appellate District,  
Division One

HARRIS, MARRIAGE OF  
Rehearing denied

Baxter, J., and Chin, J., , are of the opinion the  
petition should be granted.  
Werdegar, J., was absent and did not participate.

**S107855**

F029400 Fifth Appellate District  
F030300

JONATHAN NEIL & ASSOCIATES v. JONES  
Opinion modified – change in judgment

Petition for rehearing denied

Baxter, J., was recused and did not participate.  
Werdegar, J., was absent and did not participate.

**S126715**

B152759 Second Appellate District,  
B154184 Division Five

SOUKUP v. HAFIF  
Petition for review granted

Werdegar, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter, Chin,  
Brown, and Moreno, JJ.

**S126864**

B154311 Second Appellate District,  
Division Five

SOUKUP v. STOCK  
Petition for review granted

Werdegar, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter, Chin,  
Brown, and Moreno, JJ.

**S127529**

B168042 Second Appellate District,  
Division Five

PEOPLE v. SYKES  
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending  
consideration and disposition of a related issue  
in *People v. Black*, S126182 (see Cal. Rules of  
Court, rule 28.2(d)(2)), or pending further order  
of the court. Submission of additional briefing,

pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Werdegar, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ.

**S127824**

B169476 Second Appellate District,  
Division Six

## PEOPLE v. VONNER

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Werdegar, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ.

**S115134**

F038894 Fifth Appellate District

## PEOPLE v. SALINAS

Dismissed per rule 29.3(b), and remanded to CA 5

Werdegar, J., was absent and did not participate.  
Votes: George, C.J., Kennard, Baxter, Chin, Brown, and Moreno, JJ.

**S112103**

## MARTINEZ (OMAR) ON H.C.

Petition for writ of habeas corpus denied

The petition filed on December 13, 2002, is denied on the merits. Except to the extent based on a claim of trial counsel's incompetence, claim 53 is denied for failure to object at trial. (See *In re Seaton* (2004) \_\_ Cal.4th \_\_, \_\_.) The accompanying request for postconviction discovery is denied without prejudice to refile in superior court a motion pursuant to Penal Code section 1054.9 and *In re Steele* (2004) 32 Cal.4th 682.

Brown, J., would deny the petition solely on the merits.  
Werdegar, J., was absent and did not participate.

**S125883**

HARA (SCOTT MICHAEL) ON H.C.  
Petition for writ of habeas corpus & stay denied

Petition for writ of habeas corpus and request  
for stay is DENIED. (See *In re Waltreus* (1965)  
62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d  
756; *In re Lindley* (1947) 29 Cal.2d 709; 723.)

Werdegar, J., was absent and did not participate.

**S126676**

B176091 Second Appellate District,  
Division Three

MCCLURE (WILBUR L.) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126708**

H027506 Sixth Appellate District

HIMMELBERGER v. S.C. (PEOPLE)  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126743**

B165314 Second Appellate District,  
Division Two

SERRA CANYON CO. v. CALIF COASTAL COMM.  
Petition for review & depublication request denied

Brown, J., is of the opinion the petition should  
be granted.  
Werdegar, J., was absent and did not participate.

**S126752**

B175760 Second Appellate District,  
Division One

WILLARD (EDWARD J.) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126787**

B176659 Second Appellate District,  
Division Seven

CLINTON v. S.C. (PAUL)  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126789**

E036250 Fourth Appellate District,  
Division Two

ESCANDON (STEVEN), IN RE  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126821**

B176229 Second Appellate District,  
Division Six

SEATON (MICHAEL) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126840**

E036194 Fourth Appellate District,  
Division Two

MURR (DAVID MICHAEL) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S126841**

C047332 Third Appellate District

BANCROFT VENTURES v. S.C. (PEOPLE)  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126903**

B176593 Second Appellate District,  
Division Three

EDWARDS (DAVIDO A.) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S126904**

B176494 Second Appellate District,  
Division One

SWANIGAN (FRED) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127029**

F045589 Fifth Appellate District

LEON (CELSO) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127084**

C045429 Third Appellate District

PEOPLE v. SHELMIRE  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127116**

B176064 Second Appellate District,  
Division Two

GARDNER (DARRYL T.) ON H.C.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127167**

A101101 First Appellate District,  
A101203 Division Two  
A102558

FUJITSU IT HOLDINGS v. FRANCHISE TAX BD.  
Petition for review & depublication request denied

Werdegar, J., was absent and did not participate.

**S127265**

A107316 First Appellate District,  
Division Three

ALAMEDA COUNCIL, BOY SCOUTS v. S.C. (ROE)  
Petition for review denied

Baxter, J., and Brown, J., are of the opinion the  
petition should be granted.  
Werdegar, J., was absent and did not participate.

**S127302**

B168825 Second Appellate District,  
Division Five

PEOPLE v. GAGE  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127304**

B168925 Second Appellate District,  
Division Three

PEOPLE v. JAUREGUI  
Petitions for review denied

Werdegar, J., was absent and did not participate.

**S127354**

B166858 Second Appellate District,  
Division Five

CARMAN v. MULLER HOOD PONTIAC  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127425**

E034343 Fourth Appellate District,  
Division Two

PEOPLE v. COX  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127431**

C043187 Third Appellate District

PEOPLE v. COLABINE  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127487**

B167906 Second Appellate District,  
Division Seven

STERLING v. BROWN  
Petition for review & publication request denied

Werdegar, J., was absent and did not participate.

**S127541**

B168862 Second Appellate District,  
Division Five

PEOPLE v. NEWSOME  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127563**

B167554 Second Appellate District,  
Division Three

PEOPLE v. BURNS  
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

**S127579**

B144789 Second Appellate District,  
Division Four

GREENE v. CENTURY NATIONAL INSURANCE  
Petition for review & publication request denied

Werdegar, J., was absent and did not participate.

**S127586**

B170982 Second Appellate District,  
Division Six

PEOPLE v. WILLIAMS  
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

**S127587**

B163177 Second Appellate District,  
Division Three

PEOPLE v. GUEVARA  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127588**

G033236 Fourth Appellate District,  
Division Three

NATIONAL CREDIT CONTROL AGENCY v.  
RUBINSTEIN  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127596**

A100923 First Appellate District,  
Division Five

VANSTAR CORP. v. AT&T SOLUTIONS, INC.  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127602**

A085450 First Appellate District,  
A106431 Division Two

PEOPLE v. JOHNSON  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.  
Werdegar, J., was absent and did not participate.

**S127610**

E034149 Fourth Appellate District,  
Division Two

PEOPLE v. ESHAN  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127625**

H026452 Sixth Appellate District

LINANE, ESTATE OF  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127628**

A101772 First Appellate District,  
Division Three

PEOPLE v. GUTIERREZ  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127644**

E034307 Fourth Appellate District,  
Division Two

PEOPLE v. WILLIAMS  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127652**

A100860 First Appellate District,  
A101787 Division Three  
A102439

MARSELIS v. ALLSTATE INSURANCE CO.  
Petition for review denied

Werdegar, J., was absent and did not participate.  
Chin, J., was recused and did not participate.

**S127653**

B167489 Second Appellate District,  
Division Two

PEOPLE v. SANZ  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127654**

B176952 Second Appellate District,  
Division Six

**WRIGHT v. S.C. (BAKALAR)**

Petition for review denied

Werdegar, J., was absent and did not participate.

**S127661**

B162583 Second Appellate District,  
Division Seven

**COHEN v. MASRY & VITITOE**

Petition for review & publication request denied

Werdegar, J., was absent and did not participate.

**S127675**

B167614 Second Appellate District,  
Division Five

**PEOPLE v. NAVARRO**

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

**S127712**

F046194 Fifth Appellate District

**COELHO v. S.C. (COELHO)**

Petition for review denied

Baxter, J., was recused and did not participate.

Werdegar, J., was absent and did not participate.

**S127714**

B169924 Second Appellate District,  
Division Seven

**PEOPLE v. SHARPE**

Petition for review denied

Werdegar, J., was absent and did not participate.

**S127730****CALIFORNIANS FOR RENEWABLE ENERGY v.**

**CALIF ENERGY COMM (MIDWAY POWER)**

Petition for writ of mandate/prohibition denied

Werdegar, J., was absent and did not participate.

**S127736**

B164204 Second Appellate District,  
Division Five

**INTERLANDI v. MERCEDES-BENZ USA, LLC**

Petition for review denied

Werdegar, J., was absent and did not participate.



**S127737**

B176958 Second Appellate District,  
B176242 Division Four

PINE GROVE HOSPITAL v. S.C. (JULLIAN P.)  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127755**

A103692 First Appellate District,  
Division Four

J. (EFREM), IN RE  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127764**

C042256 Third Appellate District

PEOPLE v. ABURTO  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127770**

B168987 Second Appellate District,  
Division Two

PEOPLE v. PERKINS  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127772**

A103175 First Appellate District,  
Division Two

PEOPLE v. GARCIA  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127774**

H026244 Sixth Appellate District

PEOPLE v. LOPEZ  
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

**S127775**

C042869 Third Appellate District

PEOPLE v. JONES  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127782**

G031837 Fourth Appellate District,  
Division Three

## PEOPLE v. BRINDLE

Petition for review denied

Werdegar, J., was absent and did not participate.

**S127787**

B176616 Second Appellate District,  
Division Eight

## NATIONAL UNION FIRE INSURANCE v. S.C.

(SEARS, ROEBUCK)

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

Chin, J., was reused and did not participate.

**S127800**

F044296 Fifth Appellate District

## PEOPLE v. MENDEZ

Petition for review denied

Werdegar, J., was absent and did not participate.

**S127803**

A102288 First Appellate District,  
Division Three

## PEOPLE v. JACK

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

Werdegar, J., was absent and did not participate.

**S127805**

B167341 Second Appellate District,  
Division Two

## PEOPLE v. CORTES

Petition for review denied

Werdegar, J., was absent and did not participate.

**S127811**

A104345 First Appellate District,  
Division Two

## R. (PAIGE), IN RE

Petition for review denied

Werdegar, J., was absent and did not participate.

**S127812**  
H026572 Sixth Appellate District

SYNOPSYS INC. v. OZ OPTICS LIMITED  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127820**  
B169293 Second Appellate District,  
Division Five

PEOPLE v. NELSON  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127827**  
H027738 Sixth Appellate District

PEOPLE v. SMITH  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127837**  
C039688 Third Appellate District

PEOPLE v. PULFORD  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127841**  
A105841 First Appellate District,  
Division Two

CRAWFORD v. W.C.A.B. (LARRYS MARKET)  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127843**  
E034980 Fourth Appellate District,  
Division Two

G (FELIX) IN RE  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127845**  
B159560 Second Appellate District,  
Division Three

WALSH v. WALKER  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127850**  
B170724 Second Appellate District,  
Division Five

PEOPLE v. GARRETT  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127864**

A103852 First Appellate District,  
Division Four

PEOPLE v. BEVERLY  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127865**

E034523 Fourth Appellate District,  
Division Two

PEOPLE v. MARTIN  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127869**

E033273 Fourth Appellate District,  
Division Two

PEOPLE v. FAKHRY  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127898**

A103403 First Appellate District,  
Division One

ESCHER v. FOUR BROTHERS VENTURES  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S127951**

D043194 Fourth Appellate District,  
Division One

PEOPLE v. HOLLOWAY  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S128179**

F044336 Fifth Appellate District

PEOPLE v. LAWSON  
Petition for review denied

Werdegar, J., was absent and did not participate.

**S128358**

H027960 Sixth Appellate District

EDWARDS v. S. C. (PEOPLE)  
Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

**S128523**

C047772 Third Appellate District

WADE v. S.C. (PEOPLE)  
Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

**S116927**

VON LEWIS (REGINALD) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S118974**

JORDAN (EDDIE THOMAS) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S119831**

KINCAID (PAUL H.) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S119832**

WATSON (JADE) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S120025**

EDELEN (BOBBIE) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S120367**

GOODRIDGE (PETE) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S121042**

PERALTA (CION) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S121419**

BADWI (RAMZI) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

**S121628**

SMITH (LEROY) ON H.C.  
Petition for writ of habeas corpus denied

Werdegarr, J., was absent and did not participate.

**S121649**

JONES (MICHAEL L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)

Werdegarr, J., was absent and did not participate.

**S121651**

ARREOLA (JESUS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Werdegarr, J., was absent and did not participate.

**S121660**

GRACE (NASHAUN O.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegarr, J., was absent and did not participate.

**S121662**

NGO (VIET MIKE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Werdegarr, J., was absent and did not participate.

**S121666**

NGO (VIET MIKE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

Werdegar, J., was absent and did not participate.

**S121672**

SCOTT (COBRA) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S121701**

KING (LARRY DONNELL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

Werdegar, J., was absent and did not participate.

**S121731**

LEGANS (VICTO) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S121733**

WHITE (WILLIE) ON H.C.  
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Werdegar, J., was absent and did not participate.

**S121737**

MUSGRAVE (GILBERT C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

**S121797**

TAYLOR (GREGORY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Dixon* (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

**S121865**

DUNGEY (RORY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus*  
(1965) 62 Cal.2d 218; *In re Dixon* (1953) 41  
Cal.2d 756.)

Werdegar, J., was absent and did not participate.

**S125836**

LEONARD (EDWARD L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Miller* (1941) 17 Cal.2d 734.)

Werdegar, J., was absent and did not participate.

**S125946**

MASON (DEVICTOR KING) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

**S126062**

HENDERSON (DEMETRIUS) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S127950**

MASON (PAUL MARTIN) ON H.C.  
Petition for writ of habeas corpus & stay denied

Werdegar, J., was absent and did not participate.



**S127977**

PAPPIN (ALBERT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Seaton* (2004) 34 Cal.4th 193.)

Werdegar, J., was absent and did not participate.

**S128110**

NICHOLS (BRENDA K.) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S128124**

BELL (PAUL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

**S128154**

RODRIGUEZ (JUAN C.) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S128161**

LONELYSS (ASSIEDOO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Werdegar, J., was absent and did not participate.

**S128184**

MORRIS (TONY D.) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S128362**

ODEN (JAMMEL RASHEED) ON H.C.  
Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

**S125997**

D042729 Fourth Appellate District,  
Division One

S. (HANNA), IN RE

Depublication request denied (case closed)

Werdegar, J., was absent and did not participate.

**S126700**

B164610 Second Appellate District,  
Division Five

NAKHAE v. SOUTHERN CALIF PERMANENTE  
MEDICAL GROUP

Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

**S126982**

B174299 Second Appellate District,  
Division Three

H. (T.), IN RE

Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

**S127175**

A104680 First Appellate District,  
Division Two

JAMESON v. SUTTER MEDICAL CENTER

Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

**S127540**

A100119 First Appellate District  
A100846 Division Two

REID v. UNION PLANTERS MORTGAGE

Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

**S127665**

B167678 Second Appellate District,  
Division Five

SIMMONS v. FOBI

Publication request denied (case closed)

Werdegar, J., was absent and did not participate.

**S127834**

H026704 Sixth Appellate District

NYULASSY v. LOCKHEED MARTIN

Depublication request denied (case closed)

Werdegar, J., was absent and did not participate.

**S121933**

B121917 Second Appellate District,  
Division Four

SIMON v. SAN PAOLO U.S. HOLDING COMPANY

Extension of time granted

to November 12, 2004 for CONSUMER

ATTORNEYS OF CALIFORNIA to file their amicus curiae brief. Answer due within 20 days.

**S124636**  
H026217 Sixth Appellate District

PEOPLE v. HOFSCHEIER  
Extension of time granted

to October 25, 2004 for respondent to file the reply brief on the merits.

**S125502**  
C043329 Third Appellate District

CONNERLY v. STATE PERSONNEL BOARD  
Extension of time granted

to December 8, 2004 for respondent cross-appellant (Connerly) to file the answer brief on the merits.

**S039894**

PEOPLE v. SATTIEWHITE (CHRISTOPHER)  
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Christopher James Sattiewhite, filed August 10, 2004, is granted.

The order appointing the State Public Defender as counsel of record for appellant Christopher James Sattiewhite, filed October 29, 1998, is hereby vacated.

Peter Hensley is hereby appointed as counsel of record to represent appellant Christopher James Sattiewhite for the direct appeal in the above automatic appeal now pending in this court.

Werdegar, J., was absent and did not participate.

**S108353**  
F036961 Fifth Appellate District

PEOPLE v. HOWARD  
Request denied

The "Application for Permission to File Appellant's Supplemental Brief Re: *Blakey* [sic] v. *Washington* (2004) 542 U.S. \_\_ [124

S.Ct. 2531]” is denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_\_ [124 S.Ct. 2531] on California law.

Werdegar, J., was absent and did not participate.

**S127391**

PETILLA ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Rodolfo E. Petilla, State Bar No. 109383**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

Werdegar, J., was absent and did not participate.

